

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
March 19, 2004

The Domestic Relations Committee met at the Indiana Judicial Center in Indianapolis, Indiana on Friday, March 19, 2004 from 10:30 – 3:00 p.m.

1. Members present. David C. Chapleau, Thomas J. Felts, Diana LaViolette, Mary Margaret Lloyd, Roderick D. McGillivray, Keith A. Meier, and Michael P. Scopelitis, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Lindsey Holloway, Division of State Court Administration; Alan Pyrz, Egov Systems; Bob Monday, PACE; and Leslie Rogers, Division of State Court Administration.
4. Minutes approved. The minutes from February 20, 2004 were approved.
5. Child Support Guidelines.
 - a. Lindsey Holloway reported she and Alan Pyrz had questions about the calculator after the meeting last month, distributed a memorandum via email about those questions, and agreed to wait until today's meeting to get a consensus on how to approach them.
 - b. Judge Scopelitis reported he met with Dr. Betson recently to discuss the questions Lindsey posed: If different parenting time plans occurs with two children, ages 4 and 9, how should the parenting time credit be handled? He recommended an average for lines 3PT and 4PT on the parenting time credit worksheet for two or more children and the committee agreed.

The committee also discussed Dr. Betson's proposed solution when one child subject to the parenting time credit is living away from home while at college and the other child is under 18. The committee agreed this situation was too complicated to be included in the calculator. They agreed this situation would cause little credit to be given and agreed this case should not be included in the calculator.

Jeffrey Bercovitz distributed the Support Masters calculation of these examples prepared by Judge Moberly.
 - c. Judge Meier moved that if children have differing amounts of overnights, (e.g. 140, 100 and 60 overnights each) no method be used to calculate this on the website calculator. Judge LaViolette seconded the motion. Committee members agreed the calculator would ask for the number of overnights for all of the children, not by each child, since the parenting time guidelines presume multiple children visit at the same time. The motion was passed.
 - d. The committee agreed if the calculator is being used in a guardianship or CHINS case, and the parents have the children sixty days each, no parenting time credit would be given.
 - e. Committee members revised the proposed website for the child support calculator.
 - f. Committee members agreed to review the revisions to the child support calculator when Lindsey Holloway sends a memorandum indicating the revised website is ready.

6. Court ADR program. Jeffrey Bercovitz reported the committee inadvertently removed the word “referral” from the first standard. Leslie Rogers asked it be restored. Committee members agreed to add, “referral and/or” before the word “acceptance” in standard one. Committee members agreed to this change by consensus.

Judge Felts reported he made a presentation with Leslie Rogers and Jeffrey Bercovitz at the Supreme Court District meeting in Evansville the day before on the new Court ADR program. Jeffrey Bercovitz reported eleven (11) judicial officers signed up, but nineteen (19) persons attended, including two persons from the local clerk’s office. The session went well and will be repeated at the district meetings held in Lake, St. Joseph, Allen and Grant counties in April.

7. Domestic Relations Benchbook.

a. Committee members agreed to work together on one section of the benchbook to make it “template” for additional sections. They agreed to prepare the section on provisional orders first.

b. Committee members discussed making the benchbook downloadable, preparing it so if a judge prepares a query in Westlaw or Lexis it could be kept with the downloaded version; link the benchbook to a West key number or the Lexis equivalent, and determine a method to incorporate new cases directly from West or Lexis into the benchbook. They agreed the benchbooks should include the pertinent statute, rule and one or two lines from a pertinent case.

c. Jeffrey Bercovitz reported he found three examples of domestic relations forms: from California’s “Self-Help Center”; Colorado’s judiciary website; and the American Academy of Matrimonial Lawyers’ “Divorce Manual.” Members of the committee agreed to investigate the following sources for judicial benchbooks:

(1) Magistrate Chapleau – National Judicial College in Reno, NV.

(2) Judge Felts – Illinois, Kentucky, Michigan, and Ohio.

(3) Judge McGilivray – National Council of Juvenile and Family Court Judges.

(4) Judge Meier – California

(5) Judge Scopelitis – State Justice Institute (SJI). He also agreed to seek information about grant assistance from SJI.

d. Committee members agreed to prepare an email survey to all judges asking what they would like to see in a Domestic Relations Benchbook.

8. Recent legislation. Jeffrey Bercovitz distributed Senate Bill 83 and House Bills 1029 and 1200 to members of the committee.

9. Title IV-D. Judge Felts reported the Child Support Bureau, FSSA sent a letter dated January 15, 2004 to him prohibiting review of support records in ISETS by court personnel. It prohibits access in order to protect IRS information. He explained he needs access to the records for support determinations. Committee members agreed he should contact Karla Mantia about the letter, before the committee talks with her about this concern.

10. Other business.

a. Judge Scopelitis reported yesterday’s presentation to the Indianapolis Bar Association about the new parenting time credit went well, in part, due to the format of the program. He and Judge Moberly were able to make their entire presentation before questions were taken. Then

the moderator grouped written questions together for answering by him. This promoted understanding of the credit.

b. Jeffrey Bercovitz reported the Judge Moberly agreed to present the new parenting time credit to the ISBA in April.

c. Judge Felts reported he had been asked to make a presentation on family law ADR at the meeting of this spring of the Family and Juvenile Law Section of the ISBA.

11. Next meeting. Committee members agreed to meet again on the following dates: April 16, May 21, July 16, August 20, October 15, November 19, and January 21, 2005 from 10:30 to 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law